

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )                                  4:06CR3187  
                                )  
vs.                         )  
                               )  
KAYLA M. TOBEY,            )  
                               )  
Defendant.                 )

**ORDER**

IT IS ORDERED that:

- (1) The government's request for hearing (filing 36) is granted.
- (2) A hearing on the government's motion for reduction of sentence pursuant to Rule 35(b) (filing 34) has been set before the undersigned United States district judge on Monday, November 10, 2008, at 1:00 p.m., in Courtroom No. 1, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska.
- (3) At the request of the defendant through her counsel, the defendant will participate in the hearing by telephone.
- (4) The Marshal is directed not to return the defendant to the district.
- (5) The defendant is held to have waived her right to be present.

October 30, 2008.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge